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of return those rejected.
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AMUSENENTS TO-MORROW EVENING.

ACADEMY OF MUSIC, Fourteenth street-I PURITAN BROADWAY THEATRE, Broadway-Caville. SOWERY THEATRE, Bowery—Equestrian Pulsons

MIBLO'S GARDEN, Broadway-THE SYREN.

BURTON'S, Chambers street-Upper Ten and Lowe RATIONAL THEATRE, Chatham street-Equestrian

WALLACK'S THEATRE, Broadway-Barchelon of

METROPOLITAN THEATRE, Broadway-Hunchback AMERICAN MUSEUM-Afternoon - Robben's Wife Away with Melancholy, Evening-Eustache, WOOD'S VARIETIES-Mechanics' Hall, 472 Broadway.

SUCKLEY'S OPERA HOUSE, 539 Broadway-Buck-WOOD'S MINSTRELS-Minetrel Hall, 444 Broadway, CASPLE GARDEN-EQUESTRIAN PERFORMANCE.

TO NIGHT. New York, Sunday, November 26, 1854.

To Delinquent Agents.

Delinquent agents to this establishment are informed that unless they immediately settle up their accounts. more suitable persons will be appointed in their places. Persons wishing to become agents of the NEW YORK supplied from this establishmen promptly, and at the usual rates-twenty-fice per cent count, carh, in advance.

Agents in the country, dealing with city agents, will and it to their advantage to send their orders direct to the office of this paper. JAMES GORDON BENNETT.

The Canada's mails bring us some important items of intelligence which were overlooked in the brief summary of her news received by telegraph. It seems that the Spanish government finds itself so hamp-red, between the evidences of growing discontent which are manifesting themselves in Cuba, and the measures pressed upon them by Bitish influence with respect to that island, that they have returned a negative answer to Lord Howden's demand that they should declare the slave which we publish elsewhere from the Madrid correspondence of the London Chronicie, that this reply is likely to occasion considerable embarrass ment to the English government. It will either have to abandon entirely the expensive naval arrangements by which it has hitherto sought to keep the slave traffic under cheek, or it will be compelled, for consistency's sake, to back its representations to the Madrid Cabinet by forces It is not to be supposed that it will will lingly consent to the first of these alternatives; so that we presume strong measures will be resured to to escure a compliance with its demands. Here then is a fresh complication which may induce the Spanish government to listen more readily to any propositions that we may make for the purchase the island. If it suffers itself to be bullied by England into the measures demanded, it will alienate the great mass of the Cabau proprietors, and afford the Slibbasteres a promising element to work upop. If on the contrary, it persists in a course consider-d bostile to British policy, It exposes itself to difficulties which will touch it nearerhome. The dilemm it must be admitted, is an emparrassing one, but it whatever way the Spanish government may seek to escape from it, we am only see advantage to our

Is another column will be found an extract from the foreign correspondence of the Loudon Times, which throws some light upon the ambiguous policy of Austria upon the Eastern question. After stating that the ill feeling between the Austrians and Turks in the Danubian principalities has latterly become so strong, that the alliance, so far as sympathy is concerned, is already virtually dissolved, the writer proceeds to say that Austria has no intention that the Principalities stou'd become an integral part of a new and regenerate Ottoman state, or that her own ambitious views should be checked forever by treaties having the sanction of united Europe. We have so fro quently expressed our opinion of the impolicy of the alites allowing Austria to occupy the Printi palities, that we are not now surprised to find be conduct, when in possession of them, betraying evidences of the purely selfish motives by which s has been actuated throughout. If we are not mis taken, this question of the Danubian provinces will be the first political stumbling block of the

interests in the result.

onslition. By these mails we have also received the French version of the Souls difficulty. It would seem that the French Emperor has endeavored to save his amour propre under cover of an ingenious casuistry. He has failed, however, in establishing the distintion between an affront offered to the nation and to the individual.

The steamship Baltic is now due at this port from L'ver cool.

We publish in another part of to-day's paper summary of news from the various Republics and States of the South Pacific. It will be found generally interesting. From Pera we learn that there is every probability that the revolution will soon be brought to a termination by the overthrow of the Echenique administration.

By way of Callao and Panama we have four weeks later news from Australia. The dates from Melbourne are to the 16th of September. There ! no political news of importance, and the mining intelligence is rather meagre and not very en-

We call attention to an elaborate opinion of Attorney-General Cushing on the powers of the United States Consuls, and especially as regards the so-amnization of marriages in foreign countries. Toe subject is one of no little importance.

Some additional particulars respecting the steam. ship collision near Boston are given else where. From all we can learn the catastrophe seams to have been unavoidable. The Canada received as rious injury in her bow and cutwater; the Ocean was run on shore and burned to the water's edg .. So far as ascertained but three lives were lost by

In this city during the week ending yesterday, but 359 deaths, as we learn from the cicial report of the C-ty Inspector. Of the tatul girle. There were 6 deaths of apoplexy, 57 of co numption, 10 of congestion of the brain, 9 of diar-hoes, 8 of dysentery, 14 of dropsy in the chest, 25 of livers, 21 of inflammation of the lungs, 13 of other lung complaints, and 8 of congestion of the lungs. There were of the children, 31 deaths of convulsions, & of croup, 28 of marasmus, 4 ho ping cough, 7 prerths and 28 cases of stillborn are reported The number of deaths from external causes is unu smally small, viz.: one suicide, one fatal casualty, and we drowned. The nativity table includes 236 mares of the United States, 69 of Ireland, and 39 of

We publish in smother column the decision of Judge Hoffman relative to the hability of the New Haven Railroad Company, or the ran fulent stock issued by Robert Schuyler. In the op nion of the Judge the holders of such stock are entitled to be admitted as shareholders in the capital of the com-

Yesterday there was one of the finest militar displays witnes ed in this city for a long time, in pration of the evacuation of New York by the British army, on the 25th o Nov mber, 1783. entire first division 'urned out, 'ogether with the Veteran Corps of 1812. The Veteran Corps of Brooklyn also turned out and paraded through that city, in honor of this event in American history. Gov. Seymour reviewed the troops in the Park.

The Board of County Canvassers met yesterday in the County Clerk's office, and after examining the returns from one or two districts, adjourn d over till Monday, when probably the labo s of the Board will be brought to a conclusion.

The ship Catharine, arrived on Friday from Havre, had fourteen deaths among her steerage passen-

The Know Nothings-Their Cincinnati Convention-Their Principles and Parposes.

The Know Nothings have been holding a National Convention at Cincinnati. They adjourned on Friday, after a session of two weeks. Distinguished leaders of the order from all parts of the Union were present, John M. Clayton, Daniel Ullmann, and Mayor Conrad, of Philadelphia, among them. It is understood that important changes were made in their constitution, that a new ritual was adopted, that their pass words, signs, grips, &c., were completely changed, but that the question of candidates for the Presidency was not brought up. Time enough for that when the fossil remains of the old exploded parties shall have shown their hands.

We doubt not that a considerable number of the huckstering politicians of the old effete parties were hanging about the doors and windows of the Cincinnati Convention during its sittings from day to day, to gather up such crumbs and scraps of information as might be swept out from the table; but it does not appear that any very important discoveries were made. It would be well, however, for the Know Nothings to fight shy of all these old political lucksters, or the new party may be broken up before the great battle comes on. The experience of the abortive native American experiment of 1844 should not be overlooked The old party spoils-jobbers crept in on that occasion, and the projected organization was

never matured. The present order of the Know Nothings has been gotten up with more skill and tact, and is already a national party, holding a great balance of power, if not a commanding popular majority over all other parties, North and South. If this party hold heir present unity in action till 1856, they will doubtless achieve the most marked, and perhaps t e most useful revolution in our political history of the last

The leading objection of Mr. Wise, of Virginia, and of the administration and Seward organs against this new party, is that it is a secret party, and that its proceedings in council, are shut in from the public eye. But this is no new or extraordinary thing. The Boston Tea Party was a secret party-yet it was highly instrumental in the work of the greatest revolution of modern times, or of all time. The great Society of the Revolutionary Epoch of the Cincinnati, from which the Queen City on the Ohio takes its name, was a secret society; and that fact may have had something to do with the selection of the said city for this Know Nothing convention, for all that we know. The Tammany societies of the days of Jefferson so instrumental in the organization of the republican party of that day, were secret societies; and to this day the inside proceedings of Tammany Hall are mysteries to all except the Sacheme. The Hickory Clubs of Jackson's time, the Hard Cider Clubs of 1840, and so on, down to the Pierce and Scott clubs and caucus es of 1852, were more or less secret in their character and their transactions. Even in our late November canvass, we presume that moneys were collected and disbursed by the Clark clubs, and Bronson and Seymour clubs and central committees and managers, of which the publiknow nothing, and never will know any thing. It would be a pretty piece of business if John Cochrane, for example, were required on all occasions to advertise the amount and the soccifications of his levies upon the Custom House

for the electioneering uses of his party. The simple fact, then, is that all political parties are more or less secret in their organization or operations, or both. The order of Free and Accepted Masons is a secret society; and though not strictly a political one, it has doubtless exerted a great moral influence in the politics of all countries. Mr. Wise belongs to this society; and yet he repudiates the Know-Nothings because their secrets are best known to themselves. We care nothing for their secrets. We know what their principles are and what they are driving at; and that is enough for all practical purposes. We be lieve they are destined, under good manage ment and discipline, to bring about the completion of a great and valuable revolution in our party politics, that they will bucy the rotten carcases of the old defunct whig and democratic parties, and this rotten and imbe cile administration and its party, and the treasonable anti-slavery disonion league of Seward

The public mind has been liberated from the galling shackles of party despotism, and a mighty revolution is going on. It is the work of the general diffusion of indegendent opinions. views and arguments upon political affairs through the copious channels of the independent press. It has destroyed the despotism and the prestige of party and cabinet organs. It is a modern thing, the product of the railrowltelegraphs, steamship, and independent journalism of the last twenty years-gradual at first in its power, but overwhelming in its present developements. This Know Nothing movement is a result of this revolution. The demoralization and disruption of the old parties, and the speils jobbing corruptions of a condemned administration, have created an opening for something new, and the Know Nothings have stepped in. The movement is yet crude and rough: but its sharp edges will be worn off by friction, and eventually the Know Nothing. will sease to be a scare-crow to Catholics and adopted citizens. Who is to be the next Presi-

dent? John Mitchell and the Know Nothings. It is not true, as many people have suppose that the Citizen has died out, or that John Mitchell is serving as a slave-driver on a plan tation in Alabama. Both, we are happy to say, are still alive and with us: a little the worse for wear, but still quite recognizable, and full of Hiberaian pluck. We have procured at some late number of the former, wherein we find a lamentation on the Know Nothing movement, carcely inferior to Jeremiah, and decidedly better of its kind than the native elegiacs which commemorate the misfortunes of the house of Brian Borrhu. As usual in Mr. Mitchell's preductions, there is more rhetoric than tact in the performance: the writer is distracted between a natural tendency to abuse and a Hibernian propensity to blarney us; and the rival forces rather neutralize each other. Thus we are told that the princ ples which are beld by a vast majority of the American peopl - are " the paltriest, meanest, fa'ses', and most ignorant form of popular delusion:" a slashing slap at us, which Mr. Mitchell clumsily endeavors to atone for by calling America " the freest, wisest strongest and best country on earth." same struggle is apparent during the whole of the lamentation: it is easy to see that Mr. Mitchell felt it in his heart to say some retty se vere thing of his adopted fellow-countrymer but was restrained when he thought of his pocket and the drooping Citizen. We think we may forgive him both the will and the halfaccomplished deed. We trample no corpses.

If, instead of exciting an absurd rebellion in his native land, to fail contemptibly in a potato field, being tried by his peers, sent abroad as a convict, trusted out of sight of his jallers on his word of honor, and escaping at vast detriment to the latter : if instead of doing those various things, Mr. John Mitchell had led an orderly, peaceable, quiet life in some Irish city, and Ireland at that time had been overrun by some foreign race such as the Dutch : if the latter had refused to mingle with the natives, but insisted the while on full privileges of citizenship, had kept themselves a separate and distinct party with Dutch interests, Dutch flage and Dutch feelings, and furthermore had striven in every way to embarrass their adopted country by seeking to foist upon her their private quarrels and by leading a proverbial'y rintous, disorderly turbulent life : and if the Iriah, Mr Mitchell's countrymen, had not only submitted patiently to these abuses, but had seen their party leaders bow and cringe and sneak to these foreigners, we think that Mr. Mitchell would have said to himself : It is time to put a stop to this

That is precisely what quite a number of Americans have said to them elves in various places at various times during the course of the last year or two. We do not "fear dangers to our liberties from a handful" of Irishmen, as Mr. Mitchell supposes; but we see no reason why we should share those liberties with strangers, unless we please, and unless the latter are able to make a good use of them. A m n may crush an insect, though he stand in no fear of his life from its bite: and we may decline to grant to Irishmen votes which they will sell at a dollar apiece, though we are not in the least straid of them. Nor is it "in a servile spirit of imitation of England," as Mr. Mitchell says, that we intend to keep the Irish in order in tuture. England is not the only country which is governed on the principle that power should not be entrusted to disorderly ignorant foreigners, and that men should not be allowed to keep up a perpetual Donnybrook Fair in civil zed regions. These may be, for aught we know, principles unknown to the jurisprudence of Ireland; but we take leave to inform Mr. Mitchell that in such countries as Germany, France and Soule as well as England, they have long been re garded as fundamental doctrines. Mr. Mitchell is again in error when he calls the Know No bing movement " an ignorant crusade against Catholicism." The Know Nothings have no oncern with religion. A man may pray where he pleases, as he pleases, and as often as he pleases, or not at all, without interference from the new party. What they object to is the polity, not the faith, of the Roman Catholic church. It is John Hughes, the political agitator, bargaining for votes, addressing the mob at Carroll Hall, and driving up his flock in a mass to the polls-not John Hughes the ecclesissical, performing the duties of religion

in his church--who has roused heir bile. In fact, Mr. Mitchell, assailing the Know Nothings, bears no slight resembla Don Quixote charging the windmill. Les him try first, to make out the shape, fo m and figure of his antagonist. He is welcome to whatever in-

formation we can furnish on the point Know Nothingism or native Americanism has been roused into existence by just such men as John Mitchell. People of his stamp have come here, and before they knew the names of our public men or the tenor of our constitution have impudently thrust themselves before the public and undertaken to direct the American mind according to an Irish rule. Another of the same class, as Archbishop, had used his hierarchical dignity as a lever in our party politics Both bave quarrelled with ea h other publicly and had a sort of shillelah contest, to which each endeavored to attract as much attentiion as possible. Now, these things are not consonant with the spirit of the American people. We do not care about shillelah matches; and are apt to set down their promoters as bad company. We will always welcome political exiles and have no objection to receive escaped convicts under certain restrictions: but we do not think the one or the other have a right to trot themselves out as heroes, when they are nothing but refugees. Most of all, we are sick of the vile humbug and lying that has been going on this many a year about this class of individuals, in the name of be American people. We have borne long nough the ridiculous imposture of an Irish club or a German target company assuming to represent the American people, and offering public honors to disgraced countrymen of their own: we mean to try to let the world know what we really think on the subject. And when we are at it, we mean to se right the whole state of our relations with foreign immigrants and party political leaders. The task, according to Mr. Mitchell, is paltry and mean: perhaps we may do it so thoroughly as to give to it a national and imposing character.

THE SOULE AFFAIR AND LOUIS NAPOLEON. The letters which we publish to day from our correspondents at Paris, throw considerable additional light upon the Soulé difficulty, and the precise ground occupied by the French govern ment on that subject. It appears that that go vernment has fully understood from the first that there were two Soulés to deal with-one the Ambassador of the United States to Scam. the other the French refugee in his private ca pacity. The fact, however, appears to have been overlooked by Louis Nap deon, in the firs instance, that the exclusion of the revolutionar refugee included the Ambassador, the pair of th m having, in the same pair of breeches, tra velied together all the way from Washington We presume, notwithstanding this, that the ad ministration will be satisfied with the final trouble though at small expense, a copy of a compromise allowed by Louis Napoleon, to at 10 o'clock last night.

wit :- that Soulé, the American Minister, may pass through France, provided that the revolutionary Soulé accompanying the Minister, does not stop over a day or so in Paris and other points along the road.

On his return to Madrid the minister will probably give way to the filibuster. We expect trouble. The first thing will probably be a belligerent demand for a satisfactory repara tion upon the Black Warrior case, and other outrages committed by the authorities of Cuba against our commerce and our citizens; perhaps, as on a recent occasion, the Spanish cabinet will be allowed twelve hours for an answer. Should this be done, and should the Spanish cabinet answer unsatisfactorily, or refuse to answer at all, we may expect soon t hear of the fical departure of all the Soulés from Madrid, with their passports and their baggage, en route through France (they must go through France for the sake of Paris) with all reasonable despatch for Washington. If there is a speck of war in the President's message, we shall yet have a casus belli at Madrid. Mark it, and prepare for war.

Nor Quite so Fast .- The Washington hand organ of the administration having declared that General Cass had given up all deas of the Presidency, the Detroit Times thus talks

back to the Kitchen Cabinet:back to the Kitchen Cabinet:—
The assumption that General Cass has laid aside all aspirations for the Presidency is entirely gratuitous on the part of our Washington cotemporary. Here at home his friends protest against thus coldly despatching him with a single stroke of the pen, and will, by his consent, bring his name forward in their own time. We say distinctly that General Cass will be a candidate before the National Convention, and nothing is more calculated to sharpen that determination than just such paragraphs as the above, and the occasional blows which he receives from a large portion of the Southern press. Besides, the idea of Western Cass men being transferred over to Douglas is too silly to be commented upon.

General Cass will be there, and Douglas

General Cass will be there, and Douglas must wait a little longer. The General is not to be read out, nor driven out, of Baltimor-. Rain or shine, he intends to be there. Let the Kitchen Cabine: take a smoke on it. What's to be cone?

THE LATEST NEWS BY MAGNETIC AND PRINTING TELEGRAPHS.

From the British Provinces MEETING OF THE NOVA SCOTIA LEGISLATURE

meet on the 2d of December next, for the despatch of ousiness. The session has been convened at this day to take into consideration the Reciprocity treaty which must be acted upon before the 5th of next month If the Province wishes to participate in the benefits t be derived from the treaty.

ACTS OF THE CANADIAN LEGISLATIVE ASSEMBLY QUEEEC, Nov. 25, 1854.
Last night the feudal tenure abolition bill was read to the third time, in the Legislative Assembly, as were als the bills to increase the capital stock of the Montreal City the Upper Canada, the Commercial and the Quebec banks and also the Banque du Peuple, amounting in the aggre gate to nearly seven millions of dollars, be ing their charters till the year eighteen hundred and

The Inspector General's tariff resolutions were adopted without important change, except as regards sugars, for which the following rates are to be charged : Refine two dollars and fifty cents, bastard one dollar and sixtyfive cents, and raw one dollar and thirty-five cents per

From Washington.

NNOUNCEMENT OF THE FIRM OF MESSES. SELDEN,
WITHERS & CO.
WASHINGTON, Nov. 25, 1854.

Messes. Selden, Withers & Co. announced to-day that ANNOUNCEMENT

their firm has expired by limitation, and that their un-settled business will be closed by their assignees. They exonerate Mr. Selden from all liability for the debts of the firm, further than the law will hold him respon

From Cincinnati.

CINCINNATI, Nov. 25, 1854. The Ohio river is rising, and there is now four feet o water in the channel. The various landings are crowded with boats receiving freight.

The money market is quiet. Exchange is drooping. On New York we quote it at one to one and a half per cent premium, and for gold the same rates are asked.

SALE OF THE GLOBE MILLS COTTON MANUACTORY.

Unca, Nov. 25, 1854. The Globe Mills Cotton Manufactory of this city was sold to-day at auction for forty thousand dollars, and was bought in by J. C. Pailey, Esq., formerly one of it directors. These mills were built five years ago at a cost of one hundred thousand dollars. We understand that a new company is to be formed, for the purpose of car rying them on.

There being still a tie in the City Board of Supervisors,

they have been unable to effect an organization for the transaction of business.

> Death of Timothy Tibbetts. Boston, Nov. 25, 1854.

Timethy Tibbetts, for many years the noted propriet of the billiard saloon in Devonshire street, in this city, died to-day.

> The Beale Case. PHILADELPHIA, Nov. 25, 1854.

The passing of sentence upon Beale, the dentist, ha been postponed until next week.

BALTIMORE, Nov. 25, 1854. We have received no mail here south of Richman ! this

Markets.

New Orleans, Nov. 24, 1854.

There is a large export demand for cotton to-day, and the sales amount to 9,000 bales. We quote middling at 8½ a 8½c. Corn, 90c. Mess pork, \$23. Molasses, 18c. per gallon. Rice dull at 6c. Rio coffee—Sales for the week have been 5,500 bags, at 9½ a 9½c. Cotton freights to Liverpool 3/ths of a penny.

MOBILE, Nov. 24, 1854.

Our cotton market is unchanged. The sales for the week aum up 13,000 bales. Middling, 8½c. Freights on cutton to Liverpool have declined to five sixteenths pence; and to New York to a ½ cent. per ib.

Charleston, Nov. 24, 1854.

CHARLESTON, Nov. 24, 1854.
The sales of cotton to-day have been 2,300 biles, a prices ranging from 7c. to 9%c.

prices ranging from 7c. to 93/c.

Burrato, Nov. 25—11 A. M.

A severe gale has been raging here this morning, accompanied with rain, which has prevented out door movements, and the market is extremely quiet. Flour—The receipts of flour are good to-day, but three-fourths of them are consigned through by railroad; sales of 2.00 bibs. fancy Michigan, at 38 87.5. Wheat and corn, as yet, there has scarcely been any inquiry, and we have no sales to report; and in oats and rye the same inactivity prevails. Whiskey—Whiskey is unchanged; sales of 40 bibs. at 38c. Canel freights are nominal—16c. for corn to New York. Raccipts this morning: flour, 7,845 bibs., wheat, 22,643 bushels; corn, 22,972 bushels; barley, 400 bushels; rye, 312 bushels.

FHILADELFHIA STOCK BOARD. PHILADELPHIA STOCK BOARD.

PHILADELPHIA, Nov. 25, 1854.

Our stock market was steady this morning, and prices rather better. Sales were made of Reading Railroad at 33; Morris Canal, 10½; Pennsylvania State fives, 19¼; Pennsylvania Railroad, 40½; Long Island Railroad, 11½. In money there is no change to notice.

DEPARTURES OF STRANGES.-The U. S. mail steamship

Atlantic, Capt. West, sailed at her usual hour yesterday for Livetpool, with sixty-three passengers and \$262,834 in specie. The British screw steamship Alps, for Havre, and the steamship Cahawba, Capt. Shufeldt, for Havana and New Orleans, also sailed yesterday. Cahawha had a good quantity of passengers. The Alps only carries cargo.

TELEGRAPHIC. LOSS OF THE BRIG ST. JULIEN.

BALTIMORE, Nov. 25, 1854. announces the loss of the brig St. Julien, owned by Messrs. Wilson & Gyer, of Portsmouth. She is insured in the Mutual Insurance Company, of New York, and also in a Virginia company. Her cargo was fully in

ARRIVAL OF THE STRAWER NASHVILLE.

CHARLESTON, Nov. 25, 1854. The steamship Nashville, from New York, arrived here THE GREAT SCHUYLER FRAUDS.

Superior Court-Special Term. Before Hon. Judge Hoffman.

DECISION OF JUDGE HOPFMAN THAT THE COMPANY AND LIABLE POR THE FRAUDULENT STOCK ISSUED. Morris Ketchum, Thomas Rogers and Edward Bement et. John A. Stevens, President of the Bank of Commerce, of New York. New York.—This action was brought to recover from the defendants the sum of \$25,000, with interest, paid by the plaintiffs upon a transfer of 370 shares of stock of the New York and New Haven Railroad Company. This stock had been pledged to the Bank of Commerce by the firm of R. & G. L. Schuyler. Various grounds for the de-mand are set up in the complaint; but the main ques-tion depends upon the alleged illegality and valueless character of the stock, as having been fraudulently and falsely issued. We merely give a general outline of t as the facts and material details are minutely stated in the opinion of the Judge, which is very elaborate and will be ready for publication in a few days.

HOFFMAN, Justice.-Abstract of Opinion.-The condopted in adducing the evidence, and the arguments counsel in this cause, have led to the consideration of the validity of the stock of the New York and New Haven ad Company, issued by the late transfer agent, to an amount exceeding one million seven hundred thou sand dollars. I am new satisfied that it cannot be de cided without passing upon that question. I approach it with anxiety and distrust. The interests involved are of startling magnitude, and the questions grave and novel. An obscure and untrodden field is before me and there are no lights kindled by the wisdom and labors of former Judges to mark out the path. Such considerations urge me to a protracted and deliberate examination; but I shall fulfil a higher duty to the community, by a prompt decision, which will speed the cause upon its way for the matured determination o cause upon its way for the matured determination of the general term of this court. I shall consider the case

under the following heads :-First-The position and rights of the parties growing out of the presentment and refusal of the ch \$10,000, and the ground assumed by the Bank of Com

merce for such refusal.

Second—The facts attending the possession and trans fer of the securities held by the bank to the plaintifs. and the nature and evidence of the apparent title to th 370 shares of stock made over to then

Third-The ground of the proposition of the defendants. that in point of fact the transfer made to the plaintide

did cover and represent undoubted stock. Fourth-Whether the action to recover back the price can be maintained upon the assumption that the stock acquired was utterly void, and vested the plaintiffs

with no right or interest whatever. Fifth-If such action can be maintained, then what are the true rights and position of the holders of such spurious or fabricated stock in relation to the company Sixth, and lastly—Whether the plaintiffs are charge able with any such notice of the character of the stoc

as will vary any rights which innocent holders of spu rious stock may possess.

Upon the first point of examination the decision is substance as follows.—That no right attached to the Schuyler for \$10,000 upon the deposit made after the pre sentment and refusal of payment of such check. That the right of the bank to retain the funds on deposit accrued on the 30th of June, 1854, and could not be at

fected by a re-demand of the check on the morning of the lst July. That this right was not affected or impaired by reason of the stock notes given upon the loan by the bank being on demand, and that no express demand was proven, nor by the fact of the bank being in possession of the stock as collateral, as well as having the money i hand. Under the second head, the facts attending the posses sion and transfer of the securities to the plaintiffs, and the nature and extent of their apparent title to the thre hundred and seventy shares of stock, the subject of the action, are stated at length, and are of great importance in determining the rights of the parties in this particula

respect, but not necessarily so upon the general and and great questions in the cause. A conclusion is, how ever, stated that, in no event could the plaintiffs recover without allowing the bank to deduct the \$10,000-th amount of the check paid upon the arrangement. The principle of rescision upon which the plaintiffs proceed involves the principle of restitution. After reviewing the case elaborately, the Judge says The result, then, is, that the plaintiffsare entitled un der the certificate and power taken by them from Mr. Stevens, the president of the ear

admitted as shareholders in the capital of the company. in common with all other shareholders whose rights are admitted, or shall be established; and that their right is in proportion to such whole number of holders allotted upon a capital of three million of dollars.

"It will be seen that this view of the rights of the par ties excludes any right to sue for damages or to sustain

any action, except upon the ground of common owner ship, unless, indeed, the company refuse admission Whether in such a case a suit for damages or a manda mus is proper, I do not consider. The complaint dismissed, with costs.

THE BURNING OF THE STEAMER OCEAN, AND LOSS OF

The Collision in Boston Bay.

THE BUENING OF THE STEAMER OCEAN, AND LOSS OF LIVES.

[From the Boston Advertiser, Nov. 25.]

The steamer Ocean, Captain Donovan, left har wharf in this city yesterday afternoon about five o'clock for the Kenneb c river, having about eigh yessengers. About half past five, when neat the lower part of the Lower Middle, about a half earlies south of Deer Island, she was run into by the British atea mship Canada, from Liveryool, which struck the Ocean abaft the larboard wheelhouse, cutting her down to the water's edge. The Ocean took fire almost immediately, probably from some of her stoves having been thrown over in the concussion. The steamers Forest City, for Portland, and Boston, for Bangor, and other vessels, were in the vicinity, and immediately sent boats to her assistance; but notwithstanding several lives were lost. The engine of the Ocean appeared to have emained in good order, as she was run aska e on Deer Island, about a quarter of a mile south of the hospital. She continued burning for several hours, and at last accounts the fire had reached the water's edge, making the destruction of the vessel complete.

The Canada was backed after striking the Ocean.

The Causals was backed after striking the Ocean, and anchored near Long Island Head, where she remained at a late hour last night. We understated a small steamer was sent down by S. S. Lewis, Esq., the agent of the Cunard steamers, to bring up her

the agent of the Cunard steamers, to bring up her mails.

The Forest City, after rendering what assistance she could, returned to the city with about twenty-five passengers, the dead bodies of a man, a woman, and a child, who apparently died in the water, and several wounded persons. Among the last named were Hiram L. Wing, of Bath, the express messenger for Carpenter & Co., who was badly burned or scalded, Charles Pope, a colored man, who had his leg broken, and his wife, who is badly hurt in the breast. The wounded were taken to the Massachusetts Hospital. At the time of the collision many were seen to jump overboard, and it is not yet known what number were lost.

Capt. Berry, of the boat Quarantine, brought to the city thirty five or forty male passengers, whwere picked up by the boats of the Canada. One of the men bad his arm broken. Eight or ten ladies and a little boy, about four years old, remain on boar the Canada.

The bodies of the man and woman brought up by the Forest City, were those of passengers, and apparently young persons.

The Boston, it is presumed, rescued many, and at last accounts was at anchor below. Those who were taken up by boats from small vessels, are probably in the vicinity.

Capt. Donovan, who came to the city his did not restricted.

taken up by boats from small vessels, are probably in the vicinity.

Capt. Donovan, who came to the city in the Forest City, had one of his legs hurt, but this did not prevent his returning to the scene of the disaster, to do what he could for the relief of his passengers.

The collision is partly attributable to the fact that the four Eastern State—were all in close proximity between Deer Island and Long Island, on their way out, and were there unexpectedly met by the Canada, which in vain endeavored to avoid a contact.

At a late hour last night, a gentleman recognized the child, which was called Clara—— (the parental name he did not recollect). Its mother is dead, and its father has been absent three or four years, and it is not known where he is. The child was in charge of Mrs. Hackett, who was going with it to Bath to place it under the care of its mother's sister, who resides there.

The Ocean was a good boat, about ten years old, owned by Capt. Nathl. Kimball, of Gardiner, and others. She had a full freight of goods for the merchants on the Kennebec.

TELEGRAPHIC.

STWEEN THE STEAMERS CANADA AND OCEAN. THE COLLISION

Bosrox, Nov. 25, 1854.
The steamship Canada reached her dock at half past

8 o'clock this morning. Her mails were brought up last night by the Neptune, and forwarded in the 9 o'clock train for New York, where they will be due at 5 o'clock this afternoon.

The Canada had her figure head and bowsprit carried

away, and her cutwater and bow somewhat injured, but in every other respect she shows no signs of her collision with the steamer Ocean last night. The Ocean in going down the bay, with the Forres City and Boston in company, seems to have been com

pelled, by the proximity of these beats, to attempt to water, but was so close to the Ocean that the collision was unavoidable, and a large hole was knocked in the was unavoidable, and a large hole was knocked in the Ocean's side, abaft the wheelhouse. The concussion caused great consternation on board the Ocean, which was increased by the flames bursting out from the upsetting of the stoves, and many of the passengers leaped overboard. Boats from the Canada. Forest City, Roston ship Western Ho, and others, immediately put off to the rescue, and so far as known all the passengers except the three before reported drowned were saved. The the three before reported drowned were saved. The dead have not yet been identified. The man is about thirty years old, the woman thirty-five, and the girl six.

is thought the wounded will all recover.

The Boston, with many of the rescued passengers on board, anchored below last night, and all the passengers returned to this city this morning.

The Ocean was a side wheel steamer with wide guards,

and in every respect a well appointed and substantia sea going steamer. She was of 600 or 700 tons burthen about four years old, and owned by Rufaa K. Page, of Hallowell, Capt. Nathaniel Kimball, of this city, and the owners of the old John Marshall, and cost about

Hiram L. Wing, Carpenter's Express Messenger, died this afternoon from the effects of the injuries he received while on board the "Ocean."

It is reported that a Miss Holman, who was on board of the "Ocean," is missing. There are still at the hos-pital five persons, whose injuries are such, that it is considered doubtful if they can recover.

Theatres and Exhibitions.

ACADEMY OF MUNIC.—Mario is to appear for the first time in this city, as Edgardo, in "Lucia di Lammermoor," to-morrew evening. Madame Grisi and Signori Fadiali and Susini in the first two acts of "I Portani."

Broadway Theatre.—Miss J. M. Davenport will appear on Monday evening, as "Camille," in the very successful play of that name. The piece is east in the same manner as during the last engagement of this distinguished article, and cannot fall to draw a crowded house.

Bowert Theatre.—A fine reorgament of descriptions.

Bowent Theatre.—A fine programme of dramatic and questrian performances is announced for to-morrow evening. The grand spectacle of "The Cataract of the Ganges," with new scenery and decorations, will be represented. Mr. G. J. Arnold plays the part of Mo-

NmLo's Garden.—Auber's comic opera, in three acts, nitiled "The Syren," will be repeated to-morrow even-ing. "Lucy of Lammermoor" is in rehearsal, and will shortly be produced.

shortly be produced.

BURTON'S THEATER.—The s uccess of "Upper Ten and Lower Twenty" has induced the manager to announce if for representation to-morrow evening. The musical drama of the "Poor Soldier" will follow.

NATIONAL THEATER—A combination of equestrian and dramatic entertainments will be given to-merrow evening. The whole of the performances will be terminated by the "French Spy."

WALLACK'S THEATER.—"A Fachelor of Arts," the comedictta of "Popping the Questien," and the last new farce, "Out on the Loose"—three fine pieces—will be enacted to-morrow evening. Mr. Lester's Harry Jasper is a capital piece of acting. METROPOLITAN THEATRE. -The selections for to-morro

evening, at this theatre, are very attractive. Mrs. Farren, an actress of great merit, will appear as Griselds in the play of that name. Mr. Eddy sustains the character of Sir Percival. "Charles II." concludes the amusements of the evening. amusements of the evening.

AMERICAN MUSEUM.—The dramatic pieces selected for the afternoon and evening are such as cannot fail to draw large audiences. The "Robber's Wife," and the farce of "Away with Melancholy," in the afternoon, and the drama of "Eustache" in the evening.

Wood's Minstres.—The "Mummy," with a variety of negro melodies, are the particular features for to morrow evening.

Buckley, R. Buckley and Miss Eleanor in the principal parts.

Wood's Varieties.—The programme for to-morrow evening consists of negro melodies, "Break Down" by W. Birch, and Poctor Valentine in his freaks and foibles.

CHINESE BUILDINGS.—The second Sunday concert of vocal and instrumental music will be given this evening Mile. Martini D'Ormy and Mons. Lejeune are the princi-MAD. ISIDORA CLARKE gives her last concert in Brooklyn

comes off on Tuesday evening. Mr. Hamilton appears as Pirarre.

St. Strphen's Church.—A grand vocal and instrumental concert will be given at the Academy of Music, on Thursday evening. Dec. 14, for the liquidation of the expenses of the choir and organ of the church in Twenty-eighth street.

Superior Court—Part Second.

Before Hon. Judge Campbell and a Jury.

Cliaton W. Conger and others vs. the Hudson River
Kaitroad.—In this case, already reported in the Herald,
the jury rendered a verdict for the plaintiffs for \$780
damages, subject to the opinion of the Court.

Personal Intelligence. T. C. A. Moras, Esq., bearer of despatches to London and Brussels, sailed for Liverpool yesterday, in the

Major General Pillow arrived in Memphis, Tonn., or he 16th inst. The General was in the enjoyment of ex-eller thealth, and looked remarkably well. He was on his way to his plantation in Arkansas, and was to leave in a few days.

ARRIVALS. Campent, win done, Jr. Johnson, Alis D. A. Stevens, M. J. J.
R. Thompson—II in the steerage.

Rater Hendrix, J. A. Rodgers, Capt Felt, O Ellaworth, J.

Thompson, Mrs. Skiff and child, Miss C Clifton, Mrs. Rankin,
Miss Humphrey, M. Burke—II in the atterage.

From Buenos Ayres, in bark Mary Ellasbeth—NC E Saedling, midshipman, USN; Mrs. W. M. Jones, child and revrant.

ling, midshipman, USN; Mrs W M Jones, child and rervant, DPPARTURES.

For Liverpool, in the steamship Atlantic—Don Jose Jahias, Porto Rico; J M Campbell, Peter Staart, J McDongall, R C Dundas, NY; Hy Taylor, Arthur Bleedgood, James Kissam, J H McKim, E G Williams, Chas Valdes, Mr and Mrs Walter, Miss Isabella McDulgall. I Tallman, Mrs E Horton, NY; Mrs M Colt, servant and infast, John O Colt, Louis de Podestal, Jady and Miss Chapman, A Charvet, of Paris; George Salt and G M Horshey, England; Henry Martin, L Wise, Issao T Rogers, R T Crawford, Capi John Laine, of Mexico; Mrs Coner Moleao and servant, T U A Morza, J B Mickle, Philadelphia; Mr Bell and Iady, San Francisco; Capb Forsyth, of HM N from San Francisco; George Beasley, Mrs Musgrave, Bindostan; A G Edwards, Isdy and son E Barthe, R Phillips, Frd Beyfeld, J Serim, Toronto: E I. Leth, E Harris, NY; John A Taylor, Wm Murray, Mr Corillard, SF—63 passengers.

Harris, N. 1. John A. Laylor,
For Charleston, in the steamship James Adger—Mr Cottes
For Charleston, in the steamship James Adger—Mr Cottes
net and lady, Miss Laight, Miss L. Howard, Mrs L. Droyer,
and 2 children, H. Hackmon, John Klinck, Master Gilbert,
Mr Ferris, J G Marsh, D C Marsh, J O Isman, J W Brown,
A W Allen, G Blagne, Joseph Dawton, W Stephens, R B
Searing, Miss Holt, Miss Burnham, Miss C Crittenoen, Mr Davidson.

Titenell, James I. Bodweil and isdy, John Hasian and lady

-73 in the steerage, and it seemen to Norfolk.

For Savannah, in the steemship Knoxville—J Stoidard
lady and two sons, Miss Stoddard, Mise J Stoidard, Mrs
liright and three servants, Miss Jenkins, Mrs J-B Gilbert and
servant R H Gardner, Jr., lady and two servants: H D
Weed, lady, two sons and servants, Geo Gordon and lady,
Rot Hutchinson, Geo B Cummins, lady, two children and
servand, Geo Gordon, Jr. Benj McDe Mott, S H Jockson,
Geo C Dent, lady and child, Wm Gillum, Mr and Mrs J'ent,
J W Thomas, Captain John Reeve, B A Whipple, F D Soarlett, Miss J Parland, Mrs Parland, Mrs Munsord, Miss F
Whipple, Miss R M Whipple, Mrs Ellia Whipple and son,
John H Sparks, Daniel Cartis, G J Smith, C P Hollis, Mrs
Goodman and child, Mrs S H Clinch, Miss Mary Clinch, Miss
Maria Clinch, Mrs L Coldin, Mrs Morris, G W Blackston, Q
Spooner, D J Day, lady and servant, Rev H O Wyer and
lady, John Murphy, Joseph J Heives, W O Van Vorst, R G
Denuis, Mrs Dennis, Mrs Shermanf Miss Sarah M Williams,
Mrs Isaac Stillwell, Albert Lovejoy and lady, Mrs Richards
and child, Mrs Nathaus and daughter, F C Losmis, E Dodys,
Mrs H Edwards, Captain Roland, S O Petts, Charles La
Baldwin, J E Stilweil, Henry Stibby, Mrs Simpson, Mrs. Patterson, J McCosker, D O Bradley, David Arnold, B J Perege—
101 in the steerage.

New Music.—Just published, the following, from Auber's beautiful opera, "The Syren;" 'I will not deem thee Faithless," sung by Mad'lle Nau with rapturous applause, arranged by Thos. Baker; price 25 cents. "Sebastopol Grand Triumphal March," by the celebrated composer, Oscar Commettant; price 38 cents. "Little Nellie's Sleeping," song and chorus, by E. O. Eaten; price 25 cents.

HORACE WAIERS, 333 Broadway.

Eclian Plance—T. Gilbert & Co.'s Premium siance, with or without the celebrated Eclian attachers; Hallett & Cumston's pianos (of the old firm of failett & Co.), Horace Waters's model planos, pronounced by the highest musical authorities to be equal in power, srilliancy and sweetness of tone, and elasticity of touch, to any of American manufacture; planos of several other celebrated Boston and New York manufacturers. Each instrument guaranteed, and sold at prices which dely competition. Second-hand planos at great bargains; prices from \$40 to \$150. Cash paid for second-hand planos. Planos to rent. Horace Waters, No. 333 Broad-

Popular Trade.—We will Offer on Monday a large stock of rich silks, merinoss, plaid cashmeres, delaines, ribbons, shawls, bombazines, linens, blankets, quilts, &c. Having purchased our entire stock for cash, at the late sales, are enabled to sell at lower prices than they have ever before been sold at in this city. We will also offer 5,000 yards of rich plain silks at 8s., worth \$1 50; five cases of plaid and striped ditto, from 4s. to 6s.; one case rich plaids, yard wide, at 14s. worth \$3 00.

247 Recadway, corner of Leonard stress.

347 Broadway, corner of Leonard street